

REMARKS

Reconsideration and allowance are respectfully requested in view of the foregoing amendments and the following remarks.

Claims 1, 8 and 9 are pending in this application.

Claims 2, 3, 4, 7 and 10-13 have been withdrawn.

Claims 5 and 6 have been canceled without prejudice.

Regarding the § 102 Rejection

Claims 1 and 5 were rejected under 35 U.S.C. § 102(b) as being anticipated by Gorsuch (U.S. Patent No. 5,980,481). Claims 1, 5, 6 and 9 were rejected under 35 U.S.C. § 102(b) as being anticipated by Scott (U.S. Patent No. 4,765,907).

Claims 1, 5, 6, 8 and 9 were rejected under 35 U.S.C. § 102(b) for being anticipated by Roberts et al. (U.S. Patent No. 5,944,684).

Claim 1 has been amended to include language from canceled claim 6, which the Examiner has indicated is part of the present species being prosecuted. In particular, claim 1 recites a “regenerated dialysate inlet tube [that] includes a side port for the infusion for a dialysate regenerating additive.” Applicant respectfully points out that none of the cited art teaches or anticipates such a side port as recited in amended claim 1. In particular, Gorsuch makes no teaching or reference to providing any additives to the dialysate flowing therethrough. Scott teaches that to “achieve regeneration of the first dialysis fluid, a second dialysis fluid is provided, kept entirely outside the body and against which the first dialysis fluid is dialyzed.” Col. 7, lines 46 – 58. Scott therefore does anticipate the use of a side port on a regenerated dialysate inlet tube and thus cannot anticipate the presently amended claim 1. Furthermore, Roberts discusses adding additives to reconstitute the ultrafiltrate, Col. 6, lines 48 – 59, but does

not teach or anticipate how such additives are added to the dialysate. Roberts also teaches providing hormones, nutrients and other therapeutic agents from reservoir 12 to the dialysate, but this is not done via a side port on the inlet or outlet tube 2 or 3 of the Roberts device. Instead, the therapeutic agents, which are not for regenerating the dialysate, "are added to the reservoir 14 by means of pump 8b." Col. 7, lines 60-63. As such, Roberts does not teach, allude to or anticipate amended claim 1 and Applicant respectfully requests that the § 102 rejection be withdrawn and submits that claim 1 is ready for allowance because each and every element of claim 1 is not specifically taught or provided in the cited art.

Claims 8 and 9 have been amended to depend from claim 1 and are therefore not anticipated for at least the same reasons as stated above with respect to claim 1. Applicant respectfully submits that claims 8 and 9 are ready for allowance.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Dated: 10/18/04

Respectfully submitted,

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